

RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)

Minutes of Meeting April 23, 2001

The seventeenth meeting of the RSAC was convened at 9:44 a.m., in the Colonial Room of The Mayflower, a Renaissance Hotel, 1127 Connecticut Avenue, NW, Washington, DC 20036, by the RSAC Chairperson, the Federal Railroad Administration's (FRA) Associate Administrator for Safety, George Gavalla.

As RSAC members, or their alternates, assembled, attendance was recorded by sign-in log. Sign-in logs for each daily meeting are a permanent part of the RSAC Docket. Twelve of the forty-eight voting RSAC members were absent: The American Association of State Highway & Transportation Officials (1 seat), The American Short Line and Regional Railroad Association (ASLRRA) (1 of 3 seats absent), The Hotel Employees & Restaurant Employees International Union (1 seat), The International Association of Machinists and Aerospace Workers (1 seat), The International Brotherhood of Boilermakers and Blacksmiths (1 seat), The International Brotherhood of Electrical Workers (1 seat), The National Association of Railroad Passengers (1 seat), The National Conference of Firemen and Oilers (1 seat), Safe Travel America (1 seat), Transport Workers Union of America (2 seats), and the Transportation Communications International Union (TCIU)/Brotherhood of Railway Carmen (BRC) (1 of 3 seats absent). Four of seven non-voting/advisory RSAC members were absent: The Federal Transit Administration, Secretaria de Comunicaciones y Transporte (Mexico), The Labor Council for Latin American Advancement, and The National Association of Railway Business Women. Total meeting attendance, including presenters and support staff, was approximately 87.

Chairperson Gavalla welcomes RSAC Members and attendees. He announces that today's meeting is the fifth anniversary of RSAC, having held its inaugural meeting on April 1, 1996. Chairperson Gavalla asks S. Mark Lindsey, Acting FRA Deputy Administrator to address RSAC.

Acting Deputy Administrator Lindsey welcomes RSAC members to today's meeting and thanks them for working together. RSAC has been a very effective process. Final rules have been issued for six proceedings. Proposed rules have been published from two more proceedings and a proposed rule is ready for publication in a third proceeding. FRA appreciates all the hard work and efforts of rail labor and management. But the payoff is a process that is providing better rules. Mr. Lindsey has talked with Secretary of Transportation Norman Y. Mineta. The Secretary believes that the collaborative rulemaking process should go forward. Prior to joining President Bush's administration as Secretary of Transportation, Secretary Mineta served as U.S. Secretary of Commerce under President Clinton. He is the first Secretary of Transportation to have

previously served in a cabinet position. In addition, Secretary Mineta is very knowledgeable about transportation issues. From 1975 to 1995, he served as a member of the U.S. House of Representatives. As a member of Congress, Mineta was known for consensus building among his colleagues and for forging public-private partnerships. Mineta served as chairman of the House Public Works and Transportation Committee between 1992 and 1994. He chaired the Surface Transportation Subcommittee from 1989 to 1991. During his career in Congress, he championed increases in investment for transportation infrastructure, and was a key author of the landmark Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). ISTEA shifted decisions on highway and mass transit planning to state and local governments. ISTEA also led to major upsurges in mass transit ridership and more environmentally friendly transportation projects, such as bicycle paths. The Secretary has a desire to reach solutions to transportation problems. Joining the Secretary is the nominee for Deputy Secretary, Michael Jackson, and the nominee for Federal Railroad Administrator, Allan Rutter. Mr. Rutter has been an advisor to then Governor, now President Bush. He has been the Transportation Policy Director in the Texas Governor's Office, since 1995, and was Deputy Executive Director of the Texas High-Speed Rail Authority from 1990 to 1995. Whenever there is a change in administration, there is a slow-down in activities. For example, there is no one to review FRA's pending rules at the Office of Management and Budget. But this will change. Mr. Lindsey believes that there will be strong support for FRA's rulemaking program from the new administration. In conclusion, Mr. Lindsey thanks RSAC members for their recent petitions and suggestions for future RSAC rulemakings. He hopes that today's meeting will be a success.

Chairperson Gavalla asks Patricia Paoletta (FRA Office of Safety) for a safety presentation on hotel fire exits and to identify volunteers with knowledge of cardiopulmonary resuscitation (CPR) to perform this lifesaving function, should the need arise. Rick Inclima (Brotherhood of Maintenance of Way employees (BMWE)), James Stem (United Transportation Union (UTU)), and Daniel Smith (FRA, Office of Chief Counsel) volunteer to perform CPR.

Chairperson Gavalla reflects on the past 5 years. Ultimately, FRA and the railroad industry are judged by safety performance. Chairperson Gavalla is pleased to report that during the past 5 years there has been record level safety—the lowest levels of deaths and injuries. This includes the lowest level of rail-related casualties, highway-rail grade crossing casualties and employee fatalities. For year 2000, 24 rail employees lost their lives. While this is the lowest level of rail employee fatalities recorded, it is still too high. Rail passenger safety has also improved. In 2000, not a single railroad passenger was killed in any type of rail related accident. Furthermore, over the past three years (1998-2000), there were no rail passenger deaths because of collision or derailments, despite the fact that the industry carried over 500 million passengers in year 2000.

Chairperson Gavalla recognizes attendance at today's meeting by Cory Schiermeyer from FRA's Office of the Administrator, and Robert Chipkevich, Edward Dobranetski, and Jo Strang from the National Transportation Safety Board (NTSB).

Chairperson Gavalla requests that only RSAC Members or Alternates be seated at the meeting room table. All other guests/observers are asked to select chairs surround the meeting room table.

Chairperson Gavalla asks Grady C. Cothen, Jr., FRA's Deputy Associate Administrator for Safety Standards and Program Development, and FRA Systems Support Division Staff Director Robert L. Finkelstein for a presentation on conforming FRA's operating rules to new Occupational Safety and Health Administration (OSHA) rules.

Mr. Cothen explains that RSAC has a Working Group on accident/incident reporting. He asks Robert Finkelstein for a progress report on that group's activities.

Mr. Finkelstein explains that the purpose of RSAC Task No. 97-7, Definition of Reportable "Train Accident," is to evaluate the current concept of a reportable "train accident" to determine whether clarification of the means used by railroads to estimate railroad property damage could improve the consistency of reporting. Under present accident/incident reporting guidelines, damages from two accidents of roughly equal severity can vary widely. Depending upon the age of the equipment and the depreciation method used, one accident might be reportable to FRA while the other is not. A survey form was designed and used in a pilot test project that ran for 6 months—August 1, 2000 through January 31, 2001. Based on the survey data received—all of the major carriers participated—a report is being prepared. The Working Group will meet in May 2001 to discuss the survey findings. The materials related to this task are inserted at TAB 14 of Notebooks given to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Mr. Cothen continues. Today FRA is offering the RSAC a new task related to Accident/Incident Reporting, which we recommend be referred to the existing working group. The U.S. Department of Labor's OSHA issued a Final Rule revising regulations on reporting injuries in the workplace. There are important changes in the definition of First Aid and medical treatment, and clarification about the use of non-prescription medications. For additional information see *Occupational Injury and Illness Recording and Reporting Requirements*, 66 Federal Register (FR) 5916-6135, dated January 19, 2001. OSHA's Final Rule becomes effective on January 1, 2002. However, the effective date of this rule may slide to March 1, 2002.

To accommodate changes in OSHA's regulations, FRA needs to revise its own injury codes and narratives, cause codes and narratives, and circumstance codes and narratives. Potentially, there will also be changes to FRA Accident/Incident Report Form Nos.: 6180.78, 6180.81, 6180.54, and 6180.55a. In addition, FRA's regulations

found at 49 Code of Federal Regulations (CFR) Part 225 needs revision to clarify requirements for telephonic notifications. Finally, the *FRA Guide for Preparing Accidents/Incidents Reports* will be reviewed and updated to conform with OSHA's injury and illness recording and reporting requirements.

Maintaining consistent requirements permits railroad industry injury and illness data to be appropriately compared with data from other industries and incidentally avoids any future issue regarding whether the railroad industry should make separate reports to the Department of Labor. FRA seeks RSAC assistance to make this change. This is a limited agenda. FRA suggests that RSAC assign this topic to the Accident/Incident Working Group already working on Task 97-7. If individual members desire, the Working Group can be augmented with different staff.

Mr. Cothen asks RSAC Members to accept RSAC Task No.: 2001-1, *Accident/Incident Reporting Conformity*. The purpose of this proposed task is "to conform FRA's regulations for accident/incident reporting (49 CFR Part 225) to revised regulations of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, and to make appropriate revisions to the *FRA Guide for Preparing Accident/Incident Reports* (Reporting Guide)." Materials related to Task No. 2001-1 are inserted at TAB 14 of Notebooks given to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Andrew P. Corcoran, Jr. (Association of American Railroads (AAR)-Norfolk Southern (NS)) questions the imperative tone of the tasking statement. He adds that there may be some urgency on the part of FRA to make these changes, but he sees none on the part of RSAC members. He believes that some members on the Working Group that will be assigned this task may interpret the imperatives, "must be maintained..." or "FRA needs to revise..." differently.

Mr. Cothen adds that he does not envision "requirements to achieve conformity" to result in rules modifications that are arbitrary or capricious. Rather, we would expect to make conforming changes that are reasonable and practicable in the context of the railroad industry.

Fran Hooper (American Public Transportation Association (APTA)) begins by thanking the Chairperson for recognizing the number of passengers that are being carried by the rail carriers in his introductory remarks. There are 18 commuter railroads that APTA is trying to keep informed. However, while APTA is supportive to make injury reporting easier for all who need to report, she is concerned about Item (2) in Task Statement No.: 2001-1 under Issues Requiring Specific Report. Item (2) reads: "Any appropriate perfecting changes to the regulations or Reporting Guide responsive to issues identified by FRA in its administration of the current accident/incident program." She believes that Item (2) is not specific enough. Currently, there are APTA members who must respond to the Federal Transit Administration, FRA, and OSHA.

Mr. Cothen responds that FRA needs to “fix” its Reporting Guide to inform carriers how to file injury reports. FRA has made a specific list of items it proposes to change. The Agency wants to meet with the parties first—in an RSAC Working Group setting—before making the changes. FRA is asking the Working Group to take on small things of a detailed nature. The Working Group members always have a right not to discuss particular items within the group.

Ms. Hooper asks if RSAC Members can see the list.

Mr. Cothen responds that FRA does not want to discuss the entire 49 CFR Part 225 rules.

Chairperson Gavalla reminds RSAC members of the target date to complete this assignment—September 15, 2001. He adds that this is a very tight schedule.

Charles Dettmann (AAR) adds that the AAR shares APTA’s concerns. If RSAC accepts Task No.: 2001-1, he asks who among the 48 members present would want to be on the Working Group not knowing what the specifics of Item (2) are?

Chairperson Gavalla appreciates the concerns of RSAC members. He asks if it would help if FRA would present the Working Group with a list of specific issues after the Working Group activities began?

Mr. Dettmann responds that FRA should delineate what the issues are.

Chairperson Gavalla summarizes that there appears to be a consensus to move forward and begin the task. He proposes to provide a list of specific issues as the task is moving forward.

Rick Inclima (BMWE) declares that the BMWE does not have a problem with the language used in Item (2). He believes that by providing an exhaustive list of specifics, it will tie the hands of the Working Group.

Frank McKenna (Tourist Railway Association) asks for someone to address the pre-emptive aspect of the rule change.

Mr. Cothen responds that since 1910, the Interstate Commerce Commission and (subsequently) FRA have been responsible for administering the “Accident Reports Act.” This action has the effect of removing the industry from the coverage of equivalent Department of Labor regulations as a result of the operation of section 4(b)(1) of the Occupational Safety and Health Act (enacted in 1970). FRA does not mean to imply that this arrangement is in jeopardy. Rather, FRA has an obligation to its colleagues within the Executive Branch to maintain a comparable reporting program, since otherwise the result data would not be helpful in making comparisons among industry workplaces.

Ms. Hooper asks if it would be possible to circulate the issues within the Working Group and then the Working Group would decide what to tackle?

Chairperson Gavalla responds yes, but adds that FRA would then need to take-up those items not addressed by the Working Group.

Mr. Cothen asks if there is any language change that FRA can offer RSAC Members that would make Task No.: 2001-1 acceptable?

Mr. Corcoran (NS) reiterates that Item (2) of the task statement is broad. He asks if FRA is willing to amend the task statement?

Mr. Dettmann (AAR) agrees that the task statement be amended.

James Stem (UTU) recommends that the task be allowed to go forward. He reminds RSAC members that 5 years ago, there were concerns among all the participants about how the RSAC process would affect various interests. Today, Working Groups know what is expected.

Dennis Mogan (AAR-Metra) protests that the time deadline for the Working Group's recommendations is unrealistic. He adds that this is a complex issue.

Chairperson Gavalla responds that FRA is not asking for wholesale revisions to the Agency's accident/incident reporting requirements.

Mr. Mogan asks for an example.

Chairperson Gavalla responds that if an employee is injured, it may need to be reported under one set of agency rules, but not another.

Mr. Stem announces that the UTU would object to extending the time frame to complete the task.

Chairperson Gavalla responds that the time frame is only a target.

Tim DePaepe (Brotherhood of Railroad Signalmen (BRS)) states that the BRS would like to see this issue moved forward. There are many problems being under two separate regulatory agencies each with specific reporting requirements for essentially the same thing. He would be happy to describe his experiences during the morning break.

Chairperson Gavalla announces that during the morning break, FRA will amend Task Statement No.: 2001-1 in hopes achieving greater acceptance among RSAC members.

Chairperson Gavalla announces 15-minute break.

M O R N I N G B R E A K 10:45 A.M. - 11:15 A.M.

Chairperson Gavalla reconvenes the meeting. He asks Mr. Cothen to read and discuss a proposed insert to RSAC Task No.: 2001-1.

Mr. Cothen proposes to insert the following language immediately after the "Issues requiring specific report" title:

"FRA will circulate a list of potential issues to all RSAC members at least 14 days prior to any [subsequently changed to THE FIRST] working group meeting on this task. If any RSAC member organization not currently represented on the working group wishes to join that group, that member may submit a request to participate to the Chair. The Chair will act to ensure representation of all stakeholders. Requests from current working group organizations to substitute or augment their representation as a result of issues presented under this task will also be considered by the Chair.

Within the working group, consensus is required to consider any issue. Of course, FRA may elect to proceed with proposed changes independent of the RSAC on any issue for which consensus is not reached to proceed or for which timely recommendations are not forthcoming."

Mr. Cothen announces that the next Working Group meeting is scheduled for May 21-23 in Washington, DC.

Mr. Corcoran (AAR-NS) states that as read, FRA can continue to submit issues at each meeting of the Working Group.

Chairperson Gavalla agrees to change "any" to "the first" [as noted above].

Mr. Dettmann recommends that the OSHA versus FRA conformity requirements be sent to an informal discussion group outside of RSAC.

Chairperson Gavalla explains that RSAC participant organizations have very few people to do all the work. In addition, it is usually the same people from each organization who do all the work. Whether the task is assigned to one RSAC Working Group, or divided and undertaken by multiple bodies, it is still the same people. FRA is proposing that a particular Working Group deal with a specific task. If the Working Group feels the need to break into task forces, or bypass an issue, it can do that. However, FRA does not perceive any benefit to handling this task through a separate, informal body.

Mr. Inclima (BMW) asks if FRA is equipped to make a “complete list” of potential issues? He adds that the Working Group will need some flexibility in dealing with this issue. He agrees that addressing the “issues” need to be done by the same group.

Chairperson Gavalla volunteers that FRA could deal with OSHA versus FRA conformity issues on its own. However, the Agency felt that it could use the input from RSAC members. It is FRA's intention that addressing OSHA versus FRA conformity issues will be narrowly-focused.

Mr. Dettmann (AAR) is concerned that there will be “scope creep,” when RSAC deals with an issue. He believes “scope creep” will occur unless each party presents a list of accident/incident issues.

Chairperson Gavalla reiterates that FRA will narrow the list before presenting the issues to a working group.

Mr. Inclima (BMW) recommends removal of Item (2) from Task No.: 2001-1.

Ms. Hooper (APTA) responds that if Mr. Inclima has made a motion, she will second it.

Mr. Stem (UTU) declares that he does not want to sacrifice the “input” to the process.

Mr. Corcoran (AAR-NS) asks if the RSAC Working Group is simply going to make word change recommendations for the OSHA/FRA rules conformity and then turn the product over to FRA?

Chairperson Gavalla responds that FRA can take RSAC Working Group recommendations from Item (1) and incorporate them into an NPRM.

Mr. Dettmann (AAR) responds that the Working Group can determine what should be reported and forwarded to FRA.

Mr. Mogan (AAR-Metra) believes that the tasking statement needs the “perfecting changes” flexibility, i.e., Item (2).

Chairperson Gavalla declares that what he is hearing amounts to coming “full circle.” Therefore, FRA will proceed with a rulemaking and asks for a motion that RSAC accept Task No.: 2001-1, as amended.

DAN PICKETT (BRS) MOVES THAT RSAC ACCEPT TASK NO.: 2001-1,
ACCIDENT/INCIDENT REPORTING CONFORMITY.

THE MOTION IS SECONDED BY FRANK MCKENNA (TOURIST RAILWAY
ASSOCIATION).

BY UNANIMOUS VOICE VOTE, THE MOTION THAT RSAC ACCEPT TASK NO.: 2001-1, ACCIDENT/INCIDENT REPORTING CONFORMITY IS APPROVED.

Chairperson Gavalla asks Brenda Hattery (FRA Office of Safety) for a presentation on locomotive cab working conditions. The work of RSAC Task No. 97-2, Locomotive Cab Working Conditions, resulted in the publication of a Notice of Proposed Rulemaking on sanitation issues 66 FR 136, dated January 2, 2001. Task Statements, Working Group membership composition, and a brief synopsis of Working Group activities related to locomotive crashworthiness are part of the materials inserted at TAB 10 of Notebooks given to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Ms. Hattery appreciates the Working Group's efforts to draft the Notice of Proposed Rulemaking (NPRM). She explains that following a Public Hearing, the period to receive comments on the NPRM has been extended to May 1, 2001. Also, FRA is planning additional field investigations regarding BRS and BMW concerns over effluent from the Microphor system. There are other locomotive cab working conditions issues including "noise." The Working Group will study these with an idea toward upgrading noise standards to be more OSHA-like. Finally, a project is underway to collect data on noise in new locomotives at both the factory and in the field to evaluate the usefulness of a "static test" approach to qualifying new locomotives.

With no questions of Ms. Hattery, Chairperson Gavalla asks Douglas Taylor (FRA Office of Safety Operating Practices Staff Director) for a presentation on the Blue Signal Protection Working Group activities.

Mr. Taylor (FRA) explains that the Working Group has met four times. Five of the issues on the Task Statement are in active discussion. The Working Group sessions are being facilitated by FRA's Cindy Gross. Materials related to RSAC Task No.: 00-1, *Railroad Operating Practices-Blue Signal Protection of Workmen* are inserted at TAB 13 of Notebooks given to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

With no questions of Mr. Taylor, Chairperson Gavalla asks Mr. Cothen for reports on other RSAC Working Group activities.

Mr. Cothen begins with Revisions to Power Brake Regulations. This proceeding had a connection to RSAC, having been transferred to RSAC from a traditional FRA rulemaking. However, RSAC Task No. 96-1 was withdrawn from RSAC consideration on June 24, 1997, following a Working Group impasse. Consequently, it reverted back to a traditional rulemaking proceeding. FRA published a Final Rule in this proceeding on January 17, 2001 (66 FR 4104). Petitions for reconsideration were received by FRA from the AAR, APTA, and the Brotherhood of Locomotive Engineers (BLE). These are

being reviewed by the Agency. An amendment extending the effective date of the final rule until May 31, 2001, was published on February 12, 2001 (66 FR 9905).

RSAC's Locomotive Crashworthiness and Cab Working Conditions began as an RSAC planning task. The planning group decided to split the function into two separate tasks, which RSAC accepted. You have already heard today from Brenda Hattery on the status of RSAC Task No. 97-2, Locomotive Cab Working Conditions. This Task is addressing issues which include locomotive cab sanitation, noise, temperature, vibration and ergonomics. Also active before RSAC is Task No. 97-1, Locomotive Crashworthiness. The accident review team of this task completed its analysis last year. The Working Group reached agreement regarding desired technical and performance-based standards, and is currently drafting performance-based standards for freight and passenger locomotives to present to RSAC. The Working Group has agreed in principle to proceed with this proposal, but with the caveat that the economic analysis show a reasonable relationship between costs and benefits. Some members of the working group have not been comfortable proceeding with requirements for re-manufactured locomotives. FRA believes that crashworthiness criteria can and should be met with respect to remanufactured locomotives, given the comparable useful life of new and remanufactured units. A draft NPRM will be circulated to the Working Group for review, and the economic evaluation will be provided as background information.

Ms. Hooper (APTA) asks if the Working Group has discussed re-manufactured locomotives?

Mr. Cothen responds that a manufacturer of re-manufactured locomotives talked to the Working Group. FRA has asked that this issue be kept in the proceeding.

Ms. Hooper asks if the economic analysis is considering re-manufactured locomotives?

Mr. Cothen responds yes.

Mr. Cothen continues with activities of the Track Working Group, RSAC Task No. 96-2, specifically the topic of Roadway Maintenance Machines. On January 10, 2001, FRA published an NPRM on Roadway Maintenance Machines (66 FR 8372). FRA will ask the Track Working Group to reconvene to evaluate the comments it has received.

Mr. Cothen describes the activities of the Locomotive Event Recorder Working Group, RSAC Task No. 97-3. A draft NPRM is being reviewed. He describes RSAC's colleagues at the NTSB as being unhappy about the delay.

Mr. Cothen describes the activities of the Positive Train Control (PTC) Working Group. PTC is on the NTSB's "most wanted" list. The review of an NPRM entitled "Performance Standards for Processor-Based Signal and Train Control Systems, which was approved by the RSAC last September, is temporarily on hold due to the change in administration. He expects strong endorsement from the new FRA Administrator. By

September, the Working Group hopes to have a model, the Axiomatic Safety-Critical Assessment Process, being developed by the University of Virginia for the CSXT system, in place that could be used to demonstrate compliance with the proposed performance standard.

Task Statements, Working Group membership composition, and a brief synopsis of Working Group activities, and an Overview of the Railroad Safety Regulatory Program and Standards-Related Partnership Efforts are part of the materials inserted in Notebooks given to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Because there are four rules which may need to be presented to RSAC in advance of the next scheduled Full RSAC meeting, Mr. Cothen requests a motion to receive a disposition on these issues by Mail Ballot. The four rules are: (1) A Final Rule on Roadway Maintenance Machines; (2) A Final Rule on Locomotive Cab Sanitation; (3) an NPRM on Locomotive Event Recorders; and (4) an NPRM on Locomotive Crashworthiness. The Mail Ballot would only be sent to RSAC Members if, and only if the Working Groups reach consensus on their assigned tasks.

LEROY JONES (BLE) MOVES THAT RSAC AUTHORIZE MAIL BALLOTS FOR RULES ON ROADWAY MAINTENANCE MACHINES, LOCOMOTIVE CAB SANITATION, LOCOMOTIVE EVENT RECORDERS, AND LOCOMOTIVE CRASHWORTHINESS.

THE MOTION IS SECONDED BY RICK INCLIMA (BMWE)

BY UNANIMOUS VOICE VOTE, THE MOTION TO AUTHORIZE MAIL BALLOTS FOR RULES ON ROADWAY MAINTENANCE MACHINES, LOCOMOTIVE CAB SANITATION, LOCOMOTIVE EVENT RECORDERS, AND LOCOMOTIVE CRASHWORTHINESS IS APPROVED.

Chairperson Gavalla recognizes and thanks Transport Canada's non-voting member, Don Pulciani for attending today's meeting.

Chairperson Gavalla announces the lunch break.

L U N C H B R E A K 12:05 P.M. - 1:10 P.M.

Chairperson Gavalla reconvenes the meeting. He asks representatives, Mickey Grackin and Steve Thompson (Chenega Technology Services Corporation, 6701 Democracy Boulevard, Suite 205, Bethesda, Maryland 20817), the RSAC Internet Web Site contractor to demonstrate both the public and private areas of the RSAC Internet Web site.

Using a laptop computer logged into the Internet, images of the RSAC Internet Website are projected onto an overhead screen. Mr. Grackin displays the RSAC "Homepage" and demonstrates the proposed data links for the RSAC Internet Website. At the "Homepage," public visitors can access: (1) About RSAC (background information and general overview); (2) RSAC Members (contains logos for each RSAC Member Organization and an Internet link to the RSAC Member Organization Internet Website; (3) RSAC Tasks (Tasks accepted by RSAC by fiscal year); (4) Documents (published documents by year); (5) RSAC Calendar–Working Group Meetings; (6) Contact RSAC; (7) Other Links–DOT, FRA, Volpe National Transportation Systems Center; (8) Members Login (enables RSAC Working Group members to view drafts of rules and to propose changes to the drafts); (9) News and Events; and (10) Search.

In the proposed "private" area, which restricts access to RSAC Members, access will be by login and password. RSAC Members will be able to access (1) Working Groups/Task Forces; (2) Working Group Details; (3) Task Details; (4) Task Force Details; (5) Member Information; and (6) Public Area Information.

The direct link to the RSAC Internet Web Site is: [HTTP://RSAC.FRA.DOT.GOV](http://rsac.fra.dot.gov)

Mr. Cothen (FRA) explains that access to the private area will be restricted to Working Group members only. However, some RSAC members are also Working Group members. This arrangement is based on concerns expressed by RSAC members that proposed documents that may not have received consensus endorsement by a working group not be published to other persons, since the context may be subject to misunderstanding. This in no way restricts the ability of member organizations, through their designated representatives, to circulate drafts for the purpose of eliciting comment; indeed, this is encouraged.

Mr. Grackin asks that feedback or updates to data on the RSAC Internet Website be sent to Ms. Lydia Leeds, or Ms. Patricia Paoletta at FRA.

Lydia Leeds (FRA Office of Safety) has a preference for members to down-load a data change form from FRA's Internet Web Site and then submit requested changes by facsimile.

Steve Thompson concludes that all the data in the RSAC Internet Web Site is driven by a database. He requests that RSAC members keep the database as current as possible.

With no questions of the RSAC contractor, Chairperson Gavalla asks Grady Cothen to discuss "petitions for rulemakings."

Mr. Cothen discusses the handout, *Petitions and Suggestions for Rulemaking*, which was among materials given to each RSAC Member today. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Mr. Cothen asks each organization responsible for the individual petitions to examine the handout and to review FRA's "status" information. For example, the sense of the committee for Docket No.: 98-1, Bridge Worker Safety Amendments, was that FRA should take care of this. A Federal Register Notice is ready and is being held for review by the incoming Administration.

Under "Other Suggestions for Rulemaking," Locomotive Safety Standards, 49 CFR Part 229, is probably one of the next items FRA would ask RSAC to undertake.

Mr. Cothen asks RSAC members to examine *Petitions and Suggestions for Rulemaking*, so that FRA can have the best document available for future rulemaking initiatives. He adds that many of the petitions that FRA has received are deficient for the Agency to act. However, it is not FRA's policy to dismiss petitions, but rather to work with the petitioners and others to determine the justification for and practicability of the proposals. In summary, FRA invites comments and additions on *Petitions and Suggestions for Rulemaking*.

Faye Ackermans (AAR-Canadian Pacific) would like to see revisions to 49 CFR Part 231, Railroad Safety Appliance Standards, seeking conformity with North American Free Trade Association railroad partners pushed forward.

Mr. Inclima (BMW) inquired whether the applicability of Part 215, Freight Car Safety Standards, should be added to the list. Mr. Cothen replied that this is an open action item, as reflected by the Regulatory Overview document; however, it did not derive from a petition for rulemaking and so would not be carried on this particular listing.

With no further questions of Mr. Cothen, Chairperson Gavalla explains that for a long time, the "tasking" for training and qualification of safety-critical personnel has been before RSAC. He asks that someone from the informal "caucus" present a status report.

Joseph L. Mattingly (BRS) responds that the group is collecting information. The group is trying to put together a uniform training schedule.

Chairperson Gavalla asks if this area mostly affects only employees covered under the hours of service laws?

Mr. Mattingly responds: that is correct.

Chairperson Gavalla adds that most recent regulations deal with training issues. For example, the Revisions to Power Brake Regulations contain broad-based knowledge, skills, and hands-on training pertaining to locomotive power brakes. There are requirements for periodic refresher training, records training, and railroads will periodically re-assess power brake training. He encourages the "caucus" to go forward in its assessment of this area.

Ms. Hooper (APTA) thanks FRA for the model training courses, which are being put forward now.

Mr. Inclima (BMW) states that he knows the “caucus” is working outside of RSAC. He believes that training is an issue of maintenance of way employees, even though they are not included now because they do not fall under the hours of service laws.

Richard Johnson (TCIU/BRC) states that the Carmen should be in on this type of caucus. The carmen are covered by the hours of service laws. However, carmen representation is still being rejected by the caucus.

Chairperson Gavalla assures BRC that they will have the opportunity to participate.

Mr. Inclima continues that the operation of the “caucus” is not just a labor issue. Some of the RSAC Members want to participate, but are excluded.

Chairperson Gavalla concludes the discussion by summarizing that the message on participating in the “caucus” has been received.

Chairperson Gavalla asks Edward W. Pritchard, Executive Advisor to the FRA Associate Administrator for Safety, and Acting Director Office of Safety Assurance and Compliance to discuss the status of the Safety Assurance and Compliance Program (SACP).

Mr. Pritchard explains that Secretary Mineta supports SACP. Mr. Pritchard briefly describes the SACP Accomplishments for CY 2000, a report given to RSAC Members. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes. SACP Program Managers/Assistant Program Managers have been assigned to the largest railroads. These are: Les Fiorenzo (Amtrak), Ric Kutch/Kenneth Lanman (UP), Ron Lutton (NS), Joe Lydick (CSXT), David Gren/Merlyn Hardesty (BNSF), and Jay Sorah (Fatigue Program). Mr. Pritchard announces that the Department of Transportation’s Office of Inspector General is auditing SACP. SACP is one of DOT’s Top Ten Management Issues.

Mr. Johnson (TCIU/BRC) asks who the SACP group participants are for Norfolk Southern.

Robert Harvey (BLE) asks for SACP member lists.

Mr. Pritchard responds that the FRA contacts for this information is found in the SACP report handed-out at today’s meeting.

With no further questions of Mr. Pritchard, Chairperson Gavalla asks for a motion to approve the Minutes of the 16th RSAC Meeting.

RICK INCLIMA (BMW) MOVES THAT THE MINUTES OF THE 16TH RSAC MEETING BE APPROVED AS WRITTEN.

JAMES STEM (UTU) SECONDS THE MOTION.

BY UNANIMOUS VOICE VOTE, THE MINUTES OF THE 16TH RSAC MEETING ARE APPROVED AS WRITTEN.

Chairperson Gavalla recognizes Lydia Leeds (FRA, Office of Safety), Patricia Paoella (FRA, Office of Safety), Lawan Jones (FRA, Office of Safety), and Robert Siegfried (FRA, Office of Safety) for their assistance in preparing the meeting site for today's meeting. Ms. Jones and Mr. Siegfried are part of FRA's student intern program.

Chairperson Gavalla asks for a date for the next RSAC meeting. After a discussion, Mr. Gavalla announces that FRA will try to schedule a meeting in Washington, D.C. during the week of September 16, 2001.

With no further business, Chairperson Gavalla adjourns the 17th RSAC Meeting at 2:15 p.m.

M E E T I N G A D J O U R N E D 2:15 P.M.

These minutes are not a verbatim transcript of the proceedings. Also, overhead view graphs and handout materials distributed during presentations by RSAC Working Group Members, FRA employees, and consultants, become part of the official record of these proceedings and are not excerpted in detail in the minutes.

Respectively submitted by John F. Sneed, Secretary.